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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,519	04/12/2001	Harry C. Merritt		2520

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EXAMINER

ROWAN, KURT C

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,519

Applicant(s)

MERRITT

Examiner

KURT ROWAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 ends in “;” so the scope of the claim can not be determined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 12, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Haber.

The patent to Haber shows a fishing rod having a throwing projectile 36 with a bore 44, 45 therethrough as shown in Figs. 1-5. Haber shows an elongated piece 17 having a first mounting section 27 for mounting the elongated piece on the terminal end of a fishing rod 15. Haber shows a second throwing projectile section 28 whereby the throwing projectile slides onto the throwing

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projectile section by the throwing projectile bore. Haber shows means for mounting the elongated piece using the first mounting section to the terminal end of a fishing rod. The rod of Haber can be considered as a fly rod since no structure is recited to differentiate a fly rod from a spinning rod and the rod of Haber will function as a fly rod with equipped with a fly reel and line.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-11, 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haber.

The patent to Haber shows a fishing rod and rig as discussed above. Haber does not show a method for teaching the proper motion for casting a fly line. However, Haber makes a casting motion and throws the projectile 36 from the throwing projectile section. In reference to claims 4, 19, Haber shows an angle of 90 degrees, but it would have been obvious to employ other angles since the function is the same. In reference to claim 5, inherently the throwing projectile of Haber most closely approximates a particular type of line. In reference to claims 6, 10, Haber shows means for stopping 29. In reference to claims 7, 14, Haber does not show a spherical throwing projectile, but it would have been obvious to employ a spherical throwing projectile since the function is the same and no stated problem is solved by the shape of the

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throwing projectile. In reference to claims 8, 9, 15 and 16, 20 the size would be determined through routine experimentation since no showing of unexpected results was made. Hence, it would have been obvious to employ a spherical throwing projectile of a diameter of between 1 and 3 inches which approximates 30 feet of fly line. In reference to claim 11, Haber shows means 37 for holding the projectile in place against the means for stopping 29. In reference to claim 17, it would have been obvious to observe the results of the cast by Haber and if the cast did not end up in the right place to repeat the cast to obtain a proper trajectory to land the bait in the desired location for the purpose of catching fish. In reference to claim 18, see the rejection of claim 3, above.

The claims such as 1 and 17 should be amended to include that the elongated piece is mounted in the tip eyelet as shown in Fig. 2 and a whereby clause should state that no fishing line is used when the practice casting is being done or equivalent language.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Redwine, Burgh, Harker, Bellinger, Minera, Minera, Jennette, Warford, Walter, and Taylor show other casting devices .

8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KURT ROWAN** whose telephone number is (703) 308-2321.

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The examiner can normally be reached on Monday-Thursday
from 6:30 a.m. to 5:00 p.m.

The fax phone number for the organization where this
application or proceeding is assigned is (703) 306-4195 or (703)
305-3597.

Any inquiry of a general nature or relating to the status of
this application or proceeding should be directed to the
receptionist whose telephone number is (703) 308-1113.

A handwritten signature in cursive script that reads "Kurt Rowan".

KURT ROWAN

PRIMARY EXAMINER

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May 16, 2002